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Famous ACTION upon the CASE.

I N
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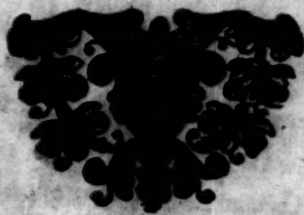
Wherein Priscilla Morecrave, *Widow*, was the
Plaintiff, and Roger Pricklove was the *Defendant*.

BEING
An ESSAY towards the Reformation of the LAW.

Offered to the Consideration of the Committee appointed for that
Purpose in the Year 1657.

Written by some Man of the LAW, at a Time when he had little else to do.

And now Reprinted, with a PREFACE, for the Benefit of Students
and Professors of the LAW in the present Age.



L O N D O N :

Printed for J. ROBERTS at the Oxford Arms in
Warwick-lane. 1727.

(Price Sixpence.)



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Famous ACTION upon the CASE

R. Y. T. H. M.

Wherein Pilsilla Morecave, Widow, and the
Plaintiff and Roger Picklove and the Defendant.

BEING

An ESSAY towards the Reformation of the LAW

Offered to the Consideration of the Committee appointed for
Parole in the Year 1677.

Written by some Men of the LAW, at a Time when but little else was done.

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(These Sixty Copies)



P R E F A C E.

LITTLETON, the great Oracle of the Law, says, That it is one of the most honourable, laudable and profitable things in the Law to have the Science of well-pleading. But the usual Language and the Multitude of Technical Words made use of in pleadings, have given occasion to an ill-natured reflection, not only upon the Learned Tribe of Special Pleaders, but upon the Professors of Law in general; as if, like the Jewish Lawyers of old, they were desirous to take away the Key of Knowledge from others, and to keep that valuable part of Learning to themselves, and by certain invented Quirks and Comundrum's,

To render all the Avenues
To Truth, impervious and abstruse,
By making plain things, in debate
By art perplex, and intricate.

It was therefore the wisdom of our late Common-wealth, among other glorious Atchievements, to wipe off this imputation, and it was then Enacted by a Publick Law, that all Pleadings, Writs and Process, &c. shou'd be in our Native tongue, and written in an honest legible hand, and not in any unknown Jargon, or that Popish ill-favour'd Character, commonly called Court-hand. It was in those times that the following Record was translated and published, as an Essay towards this Reformation. That as every one was then duly qualified for a godly Soul-saving Preacher with very little abilities, so every man might, with as little difficulty or loss of time, set up for a Pettifogger, or an Operator in the Law, under one denomination or other, and learn

All Legal Mysteries to unriddle
As easily as thread a Needle.
To vere and tack and steer a Cause,
Against the weather-gage of Laws,

And

A
R E C O R D
I N
R I T H M E,
B E I N G

An ESSAY towards the *Reformation* of the *Law*,
offer'd to the Consideration of the *Committee* ap-
pointed for that purpose in the Year 1657.

*Written by some man of the LAW, at a time when he had little
else to do.*

London, ff.

BE it remembred now that formerly,
To witt last Term o'th' holy *Trinitie*,
Before the *Keepers* of the liberty
Of *England*, by the full authority
Of the long *Parliament*, at *Westminster*,
Priscilla Morecraze widow came, by her
Attorney M. B. and prefers,
I'th' Court of upper bench, a bill of hers,
Against one *Roger Pricklove*, who doth lye
A prisoner in the *Marshalls Custody*
Et cætera, and 'tis upon a plea
Of trespass on the *Case*, *Pledges* there be
To prosecute the suit, to witt *John Doe*
And *Richard Roe*. And the said bill also
Doth follow in these very words to witt
In legal manner, *London, scilicet.*

B

Declaration.

Declaration.

Priscilla Morecraze Widow doth complain
 Of *Roger Pricklove*, who doth now remain,
 Prisoner to th' Marshall of the *Marshalsee*,
 Of the said Keepers of the *Liberty*,
 Of *England* by authority and power,
 Of Parliament, y^e bench superiour,
 Before the same *Keepers* themselves that bee,
 For that (to wit) whereas the aforesaid shee
Priscilla Morecraze, is a person just,
 Honest, and faithful, one that never durst
 Give the least cause for to be thought unchast,
 But hath lived ever modest, and was gract,
 With godly education, and demurely,
 Behav'd her self; and all her life most purely,
 Hath with the zealous and precise conformed,
 And free from all uncleanness was reported,
 Who never was amongst the well affected,
 Stain'd with a Crime, or in the least suspected,
 But with the pious people of this Nation,
 Hath had good fame, credit, and reputation;
 By which good reputation, she hath gain'd
 Not only love, and favour, but obtain'd
 A plentiful estate, by which most freely
 She manag'd her Affairs; And that *Ralph Seely*
 One of the Assembly late at *Westminster*,
 A godly-Gospel preaching Minister,
 Was earnest suiter in the way of Mariage,
 To have her for his yoke fellow; his carriage,
 And his most Saint like loving humble speeches,
 Had her consent to all that he beseeches.
 And she agreed to give him all content,
 To wed him by the Act of Parliament.

Three times the Contract publisht, then their trust is
That all shall be compleated by the Justice.

But this said Roger all aforefaid knowing,
Maliciously intending her undoeing,
To blast her reputation, and dishonour
Her unstain'd Chastity; to cast upon her
Infamous obloquy, to disrepute Her,
And to deprive her of her foresaid Suiter;
By breaking of the mariage was intended;
To leave her to the world lost, and unfriended,
In month *September*, day of the same *Eleven*,
One Thousand six hundred fiftie seven,
Of our Lords year, as by our computation,
Our Common-wealth reckons from th'incarnation,
At *London* in the parish of *St. Mary*
Bow, in the ward of *Cheap*, he then contrary
To truth most falsly and maliciously
In hearing of right worthy Company,
And honourable persons, *Noble Lords*,
Did speak these false, and most reproachful words,
To and of her the *Plantiff*; that's to say,
You are a pockie Whore, and at this day
You have three Bastards living, which do dwell,
Two in Pick-hatch, and one in Clarkenwell.
By reason of which false malicious speaking
Of the said Roger, to her great heart-breaking,
The godly-gospel minister, her Suiter,
Forbears his former suit, and for the future,
Did make profession he would never take her,
To be his *Consort*, but did quite forsake her;
And all her friends with whom she had repute,
Do now esteem her for a *Prostitute*;
Whereby she is the worse, and damnifi'd,
One thousand and five hundred pounds, beside.
And thereupon she doth her suit produce,
In the *Upper Bench* because of this abuse.

Imparlance.

Imparlance.

And now until this day, that is to say,
 On *Monday three Weeks after Michaels day*
 In this same Term, which very day untill
 Roger had leave t'empale unto that Bill,
 And then to answer it; before the same
Keepers, as well the said *Priscilla* came,
 I'th' Court of Upper Bench, at *Westminster*
 By that Attourney nam'd before, for her
 As the aforesaid Roger, who doth come
 By his Attourney, *A. B.*
 And doth defend the force and injurie,
 When, where *et cetera*, And saith that shee,
 The said *Priscilla*, ought not maintain, nor
 Have therupon her Suit against him, for
Protesting, not acknowledging, that shee
 Is half so honest as shee'd seem to bee,
 Nor is her body, or her life so clear,
 Nor so unspotted, as shee would appear;
 Nor is shee of so chaste a reputation,
 As is pretended by her Declaration.
Protesting also that the said *Ralph Seely*
 (Though oft together did both hee and shee lye)
 Nere meant to Marry her, but all his power
 Of love was quench'd in lesse than half an hour.
 Besides hee'd quite undoe her, if he had,
 His *learning* was so small, his *life* so bad.

For *Plea* he saith that at the time, wherein
 Shee does suppose these slanderous words t'have bin
 Spoke by th'aforesaid Roger, shee the sayd
Priscilla was not Widow, Wife, nor Mayd,
 And though shee pald for an unbroken virgin,
 Shee catch'd th'aforesaid *Presbyter* in her gyn;
 And with his wall-ey'd *Saintship* plaid the sinner,
 Who b'ing inspir'd by a Thanksgiving dinner,

Did

Did carnally her body know, to wit
 The crime of *Fornication* did commit;
 In the same *Ward*, and *Parish*, to his Honour,
 He at on clap got 3 great Boys upon her.
 All which for privacy were put to feeding,
 At *Bridewell* and *Pickhatch*, to learn good breeding.
 And she in recompence clap'd him so sore,
 With *Anglice* French-P.O X, it made him rore,
 And put his *Genitalls* in such a pickle,
 That all his *Parish* women did article,
 And out of him his *Benefices* twain,
 And into *Scotland* made him trot again.
 Wherefore (as lawfull 'twas) on this occasion,
 He spake the words layd in the Declaration,
 And this he *Justifies*, and judgment crave,
 If she this suit ought to maintain or have.

Replication.

And she the said *Priscilla* doth maintain her
 Said Action, against all that's said to stain her,
 And faith this *Court* nor will nor can forejudge her
 For ought that's pleaded by the foresaid *Roger*
 But though by his said Plea, she's forc'd to tarry,
 Her suit against him, yet she ought to carry;
 Protesting therefore she's not such a liver,
 Nor of such Fame, as the said Plea doth give her
 Out for to be, but that she hath not vary'd,
 One jot in life from what she hath declared.
 And on the said *Ralphs* part protesting farther,
 That of the *Kirke* he was a Godly Father.
 And of as pure and chaste a conversation,
 As any *Presbyter* within the Nation.
 And free from any lustfull act committing,
 With her, or any other deed unfitting.

For *Replication* faith, she was not knowing,
 Of the said *Ralph* but three years last foregoing.
 During which time, and till the said words spoke were,
 By the said *Roger* (that almost have broke her)
 She liv'd a *Matrons* life, chaste, grave, and thrifty,
 And came unto the Age of *three and fifty* ;
 And the said *Ralph* all the said time, by reason
 Of his much preaching in and out of season,
 And of his fasting long, and longer praying,
 And from his peoples not their duties paying,
 In the same *Ward* and *Parish*, grew so weakly,
 That of his life he did despair weekly :
 Which weaknesse had so very much out-worn him,
 That in his bed he was not able turn him ;
 Till that a learned *Doctor* of the *Colledge*
 Who of his sicknesse had full perfect knowledge,
 For gaining of his health did much exhort him,
 To wedde an honest *Matron* to Comfort him.
 Which the said *Ralph* well liking, and well knowing
 The honour to the said *Priscilla* owing,
 And thinking that delays might greatly Worse him,
 With Zeal, did Court her for a wife to nurse him ;
 And She in pity to his weak *Condition*,
 Did condescend to be his free *Physician*,
 And for their joynt desires better carrying,
 A day by both appointed was for marrying.
 But on the suddain off the same was broken
 By the said *Roger's* words afore said spoken ;
 By meanes whereof, he the said *Ralph*, endure
 Could not the said *Priscilla* for a Cure,
 But of relief his expectations failing,
 And his long sicknesse more and more prevailing,
 In Month *October*, day thereof that first is,
 In the *Lord* year that formerly exprest is,
 At the said *Ward*, the said *Ralph* much in trouble,
 Did dye, to's losse, possess'd of living double :

And

And left the said *Priscilla* to bemoan her,
 For that no other man would after own her;
 And that she truly doth reply and don't lye,
 She prayes may be inquired by the *Country*.

Rejoynder.

And the aforesaid *Roger* saith the Plea
 By her the said *Priscilla* formerly
 Put in and pleaded by her *Replication*,
 In the aforesaid manner, form, and fashion,
 And the whole matter that's contained there
 Are not sufficient in the law, for her
 The said *Priscilla*, to maintain her foresaid
 Suit against him, and there need be no more said:
 Nor by the lawes of *England* is it fit,
 That he should make answer unto it,
 This he to averre is ready. Whereupon
 For want of better *replication*
 In this behalf, he doth a judgment pray,
 And that she from having her action may
 Be barr'd, for this against him; And for
 The causes why he doth in Law demurre
 Upon that *replication*, he the said
Roger according to the Statute made,
 And in such case provided, doth declare
 And shew to th' Court of Upper Bench that's here.
 These causes following, to wit, that this
 Said *Replication* insufficient is,
Negative, pregnant, and uncertain, rude,
Double, wants forme, and does not conclude
 Rightly, according to the legal way.

Joyning in demurrer.

And she the said *Priscilla* here doth say

That

That the said *Plea* which by reply has bin
Pleaded by her, and what's contain'd therein,
In point of *Law*, good, and sufficient be,
Her suit against him to maintain, And she
That *Plea* and matter, pleaded as above,
Is ready here both to maintain and prove,
As this *Court* shall consider, and think fit,
And 'cause he does not answer it, nor yet
Deny that *Replication* any way,
The said *Priscilla* (as before) doth pray
Judgment, and damages, to be judg'd to her,
For all this injury which he did to her.
But cause this *Court* here not advised is
Of giving judgment of the premises,
A day's giv'n to both parties to appear
I'th' *Upper Bench*, before the *Keepers* here
At *Westminster*, till *Munday* after *eight*
Days of *St. Hillary*, for the receipt,
And hearing of their Judgment upon it,
For that the *Court* is not advis'd as yet.

F I N I S

